

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

In re

RECIPROCAL OF AMERICA (ROA)
SALES PRACTICE LITIGATION,

Master File No. 04-MD-1151

This document relates to:

Christie Clinic, LLC v. General Reinsurance Corp., et al., No. 03-cv-2879

David Herrick, et al. v. General Reinsurance Corp., et al., No. 03-cv-2705

The Schumacher Group, Inc. v. General Reinsurance Corp., et al., No. 04-cv-2410

ORDER ADOPTING REPORT AND RECOMMENDATION, AND GRANTING IN
PART AND DENYING IN PART D.E. 758 AND 786

Pursuant to an order of reference entered on March 26, 2012, the magistrate judge issued a report and recommendation dated August 1, 2012 (D.E. 857) on the joint motion of the RRG Receiver, the Hospital Policyholder Class and General Reinsurance Corporation for a hearing with respect to pending motions for approval of settlement between all Plaintiffs and the directors and officers of ROA (D.E. 815). The pending motions referred to in D.E. 815 included (1) the motion of Christie Clinic, LLC ("Christie") for a partial final judgment order, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, as to the motion of Christie and Dr. David Herrick in regard to a certain settlement and escrow agreement (D.E. 758) and (2) the motion of The Schumacher Group, Inc. for a Rule 54(b) certification of partial final judgment and order finding that the settlement of claims against the directors and officers of ROA and related companies did not impede its ability to pursue its personal claims and acknowledging reservation of its rights to pursue such personal claims (D.E. 786). The magistrate judge granted the request for hearing, which took place on July 17, 2012.

The magistrate judge recommended that D.E. 758 and 786 be granted in part and denied in part. The magistrate judge further recommended entry of a proposed final order certifying Rule 54(b) partial final judgment attached as an exhibit to the report and recommendation. No objections to the report and recommendation have been filed by either party.

Having reviewed the magistrate judge's report and recommendation, and the entire record of the proceeding before the magistrate judge, the Court ADOPTS the magistrate judge's report and recommendation. It is therefore ORDERED that the magistrate judge's report and recommendation be ADOPTED. The motions at D.E. 758 and 786 are GRANTED IN PART AND DENIED IN PART on the grounds articulated in the report and recommendation.

IT IS SO ORDERED this 24th day of September 2012.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE